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**From:** Dreyfus, Melissa G.  
**Sent:** Fri 10/30/2015 1:41:55 PM  
**Subject:** RE: House GOP presses first set of post-Gold King mining reforms  
Summary in response to Congressman Bishop 10 30 15 v2.docx

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**Question (AP): AP is asking for comment on this statement by House Natural Resources Chairman Rob Bishop during today's press call:**

**"The idea is EPA is still involved (in cleaning up abandoned mines). The magnitude of the scale is simply overwhelming and they cannot handle it. They need help."**

**Deliberative Process/Ex. 5**

# Deliberative Process/Ex. 5

The Administration has proposed in the FY 2016 and prior budgets to fund the program through a new AML fee which would hold the hardrock mining industry responsible for the remediation of abandoned hardrock mines on public lands, just as the coal mining industry pays to reclaim abandoned coal mines.

**Melissa Greer Dreyfus**

**Environmental Health Scientist**

**Community Involvement and Program Initiatives Branch**

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**From:** Dreyfus, Melissa G.

**Sent:** Friday, October 30, 2015 9:37 AM

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File

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# Deliberative Process/Ex. 5

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**Subject:** FW: House GOP presses first set of post-Gold King mining reforms

See quote from Nancy G

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**Subject:** Fwd: House GOP presses first set of post-Gold King mining reforms

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**Date:** October 30, 2015 at 7:13:09 AM EDT

**To:** "fitz-james.schatzi@epa.gov" <[fitz-james.schatzi@epa.gov](mailto:fitz-james.schatzi@epa.gov)>

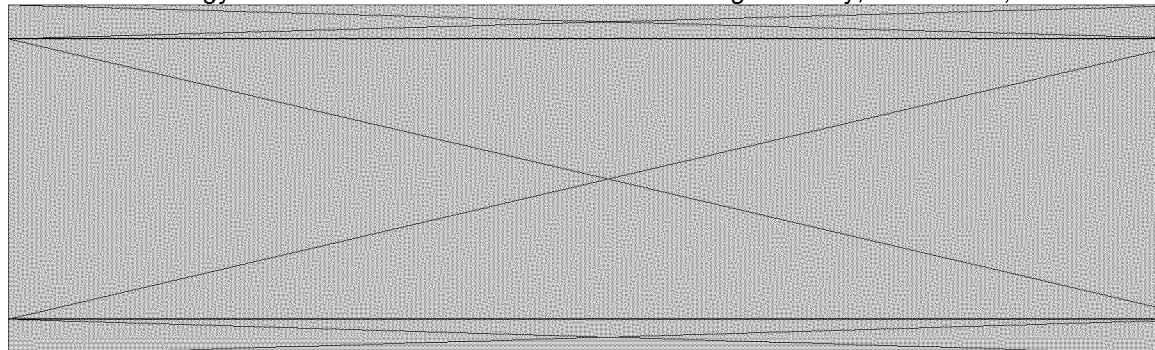
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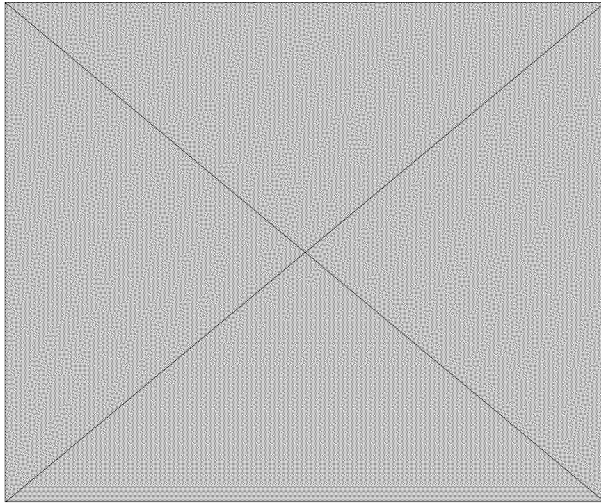
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Energy and environment headlines for the morning of Friday, October 30, 2015



**Oil spill: Suits ended after Gulf states, Transocean settle**



## House GOP presses first set of post-Gold King mining reforms

**By Kevin Rogers**

House Republicans have unveiled legislation aimed at keeping some future mine cleanup out of the Environmental Protection Agency's hands after a federal investigation found the agency could have prevented an August mine spill that fouled rivers in three states

The trio of bills introduced Thursday by Republicans on the House Natural Resources Committee would seek to boost funding for mine engineering education programs, create a public-private foundation to help raise private funds for abandoned mine cleanup and reduce liability for "Good Samaritans" who seek to assist cleanup.

The top Democrat on the committee dismissed the proposals as "window dressing" that ignored the need for more substantial reform of a 19th-century mining law. And the agency said Congress should act on its proposal to hold hardrock miners responsible for mine cleanup.

Chairman Rob Bishop, R-Utah, contended EPA had proven it wasn't up to the task of mine cleanup without backup, especially with as many as 400,000 abandoned mines across the West

"It's clear that the federal government cannot handle the job unless changes are made," he told reporters on a call. "The Animas River spill this past August helped shine a national spotlight on the range of complex and technical and legal and educational and funding related changes that must be addressed."

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The spill of 3 million gallons of heavy metal-laden from the abandoned Gold King Mine water turned Colorado's Animas River rust orange and spread to rivers in New Mexico and Utah. The leak came as EPA and contractors were attempting to drain the mine, but heavy equipment instead opened a breach.

An Interior Department report released last week found that EPA could have prevented the spill had it tested water levels inside the mine before it acted, countering a claim the agency made that the mine could have blown out by itself.

Rep. Jody Hice, R-Ga., introduced the bill to create a public-private foundation made up of government officials and mining experts to raise private funds to assist mine cleanup.

And Rep. Doug Lamborn, R-Colo. introduced a bill that would allow "Good Samaritans" in the private sector to assist mine cleanup without fear of liability for any accidents. He said that the Comprehensive Environmental Response, Compensation & Liability Act, which authorized the Superfund program, scared off potential "good faith" actors with high risk.

"Without this kind of relief, no one would touch abandoned mines, because under CERCLA and other federal legislation, the minute you get involved, you start to have unlimited liability," he said.

Lamborn admitted that the bill would be a tough sell with the Obama administration, which has opposed previous attempts to change the Superfund law.

Both bills will be discussed at a subcommittee hearing next week. A third bill, introduced by Rep. Crescent Hardy, R-Nev., would seek to direct more research funding to mining engineering programs.

"This deficiency in expertise is testified by the fact that of EPA's 15,000 plus employees, none are mining engineers," Bishop said. "Zero."

Ranking Member Raul Grijalva, D-Ariz., said the Republican efforts were missing what he believes to be the true issue behind abandoned mines—that hardrock miners aren't required to clean up mines under the General Mining Law of 1872.

"These three small bills are a start, but this is all just window-dressing without rewriting the ancient Mining Law of 1872; a step House Republicans refuse to take," he said. "It's time for Congress to work together to develop a truly comprehensive plan that reforms our decrepit mining laws and holds mining companies financially responsible for properly shutting down these mines."

And EPA, while it wouldn't comment on the specific legislation, called on Congress to act on the Interior Department's proposal to establish an Abandoned

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Mine Lands fee on hardrock mining to clean up abandoned sites, similar to the fee coal miners pay.

“The Administration has proposed in the FY 2016 and prior budgets to fund the program through a new AML fee which would hold the hardrock mining industry responsible for the remediation of abandoned hardrock mines on public lands, just as the coal mining industry pays to reclaim abandoned coal mines,” spokeswoman Nancy Grantham said.

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**[Lawyer charged with arranging fraudulent BP spill claims for dead people, dog](#)**

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## China considering cut to solar, wind electricity price

### Upcoming Events

## **Oil spill: Suits ended after Gulf states, Transocean settle**

**By The Associated Press**

NEW ORLEANS (AP) — A settlement has led to official dismissal of federal lawsuits filed by the five Gulf of Mexico states against the owner of the offshore drilling rig involved in BP's 2010 Gulf of Mexico oil spill.

U.S. District Judge Carl Barbier dismissed the suits Thursday against Transocean. Alabama, Florida, Mississippi, Louisiana and Texas joined Transocean in requesting the dismissal recently.

Alabama is expected to receive \$20 million from the settlement. Documents from the other states indicate Louisiana will get \$4 million; Texas, \$2 million; Florida, \$5 million. Mississippi's share hasn't been released.

The Transocean settlements are far less than settlements announced earlier this year between rig operator BP and the states. That settlement, which also involved the U.S. Justice Department, is estimated to be worth more than \$20 billion.

## **Lawyer charged with arranging fraudulent BP spill claims for dead people, dog**

**By Janet McConnaughey**

GULFPORT, Miss. (AP) — A Texas lawyer, his brother and a second employee of his law firm are among seven people accused of faking more than 40,000 damage claims after the BP oil spill in 2010, federal prosecutors said Thursday.

Mikal Watts' inflated numbers prompted BP PLC to agree to pay \$2.3 billion to shrimpers, fishermen and others who lost money in the seafood business because of the oil spill, and "fraudulently increased the settlement amount and inflated the amount of compensation" due to legitimate plaintiffs, the 56-page indictment alleged.

Watts also used the numbers to win a seat on the committee of lawyers that

negotiated the multibillion-dollar settlement with BP in 2012, making him eligible for "money over and above any money he might make on attorney fees," the indictment said. Watts resigned from the steering committee during the federal investigation.

BP made similar allegations in a lawsuit filed in 2013 against Watts and his San Antonio law firm. That suit has been on hold pending the criminal investigation.

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## **Congress sends budget and debt deal to Obama**

**By Andrew Taylor**

WASHINGTON (AP) — Legislation sparing the country the specter of a catastrophic default and partial government shutdown is ready for President Barack Obama's signature after the Senate passed it by a comfortable margin.

Senators voted 64-35 for the measure, which also provides a two-year budget, in the early hours Friday. Democrats teamed with Republican defense hawks to overcome opposition from conservatives including two GOP senators running for president — Rand Paul of Kentucky and Ted Cruz of Texas.

Obama had negotiated the accord, passed by the House earlier this week, with congressional leaders who were intent on avoiding the brinkmanship and shutdown threats that have haunted the institution for the past several years. Departing Rep. John Boehner of Ohio made it his top priority in his final days as speaker before making way for Rep. Paul Ryan, R-Wis.

The deal allows members of both parties to look ahead toward next year's presidential and congressional elections. Republican leaders were particularly concerned that failure to resolve this vexing issue could reflect poorly on their ability to govern. There was significant opposition in the Senate, nevertheless, as Paul and Cruz made it a point to be on the floor to register their concerns.

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## **Q&A: A look at the pipeline project being pursued by Alaska**

**By Becky Bohrer**

JUNEAU, Alaska (AP) — The Alaska Legislature is meeting in special session to consider buying out TransCanada Corp.'s position in a major liquefied natural gas project the state is pursuing with other partners. Here's a look at the project and

what's at stake:

## WHAT IS IT?

The Alaska LNG Project is the latest attempt to develop natural gas on the state's prodigious North Slope. As envisioned, it would be one of the largest projects of its kind, with an 800-mile pipeline and a gas treatment plant and transmission lines connecting to gas fields. It also would have a liquefaction plant and export terminal at Nikiski, about 170 miles from Anchorage.

Asia is the expected overseas market, though the project likely would include offtake points for gas for Alaskans.

Initial cost estimates are \$45 billion to more than \$65 billion.

While prior efforts to commercialize the state's gas over decades have faltered, there are high hopes for this project. That's partly because of the involvement of all three of the North Slope's major producers and the importance to the state of another revenue stream as oil production declines.

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## **Witness: Ex-coal CEO preferred fines to safety prevention**

**By Jonathan Mattise**

CHARLESTON, W.Va. (AP) — A key government witness testified Thursday that his former coal boss thought it was less expensive to pay safety violation fines than take proper precautions, and his company even gave the witness a higher paying job after the deadliest explosion in four decades happened at his mine.

In Charleston federal court Thursday, the prosecution questioned former Massey subsidiary president Christopher Blanchard, as he takes the stand against ex-Massey CEO Don Blankenship under an immunity agreement.

Assistant U.S. Attorney Steven Ruby admitted there was a lot of ground to cover, since Blanchard spent almost five days aiding the defense's arguments that Blankenship and Massey made safety a chief priority. Blanchard also had told the defense that he himself didn't break any laws or conspire with Blankenship to break laws. Prosecutors previously questioned him for a day and a half.

"Mr. Blanchard, we have a lot to talk about," Ruby said to open his questioning, drawing laughs in the courtroom.

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## **A message from America's Natural Gas Alliance**

Clean is Powerful. Natural gas helps Georgia Power's plant generate electricity with 50% fewer emissions. Think about it.

[Learn more at www.thinkaboutit.org.](http://www.thinkaboutit.org)

## **California releasing latest water figures, discussing penalties**

**By The Associated Press**

SACRAMENTO, Calif. (AP) — State officials plan to tell Californians what penalties they are taking against communities that fail to meet a mandated 25 percent reduction in water use when they announce usage figures Friday, in the state's battle against a widespread drought.

So far Californians as a whole have cut back water consumption by more than 25 percent every month since Gov. Jerry Brown put that mandate into effect last June. Statewide cutbacks amounted to 27 percent in August, 31 percent in July and 27 percent in June.

That put the state about halfway toward its goal of saving 1.2 million acre-feet of water between June 2015 and February 2016.

An acre-foot or 325,851 gallons is about enough water to supply two households for a year.

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## **China court orders ConocoPhillips to pay fishermen for spill**

**By The Associated Press**

BEIJING (AP) — A Chinese court on Friday ordered ConocoPhillips to pay 1.68 million yuan (\$265,000) to 21 fishermen who claimed their livelihoods suffered from oil spills in northern China in 2011, state media reported.

The verdict from a court in Tianjin city followed nearly four years of haggling between the fishermen and the company, the official Xinhua News Agency said.

In June 2011, spills from an oilfield jointly owned by the Chinese subsidiary of Houston-based ConocoPhillips and China National Offshore Oil Corp., China's main offshore oil and gas producer, drained into the Bohai Sea and its bay.

In 2012, ConocoPhillips and CNOOC reached a \$160 million agreement with the Agriculture Ministry to settle compensation claims. Xinhua says the 21 fishermen didn't take part in this process and filed their own case in December 2011.

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### **Senate to vote to send water rule back to EPA**

Senate Majority Leader Mitch McConnell, R-Ky., has set a procedural vote for Tuesday to begin debate on a bill from Sen. John Barrasso, R-Wyo., that would send EPA's Clean Water Rule back to the agency for a revision with new restrictions, The Hill reports.

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### **Investment banks: Tough for oil to crack \$60 a barrel next year**

The Wall Street Journal polled a group of 13 investment banks who project that Brent crude will average \$58 per barrel next year, while U.S. crude will average \$54 per barrel.

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### **Commerce official says many crude exchanges rejected**

Matthew Borman, a Commerce Department export official, said the agency has rejected several U.S. companies' requests to engage in crude oil swaps with countries in Europe, Latin America, Asia and Africa, Platts reports.

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### **Water dispute cases flooding Supreme Court**

A spate of four state water jurisdiction disputes have risen to the Supreme Court this year, an issue that Justice Stephen Breyer admits judges "couldn't know less about," E&E reports.

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### **Inhofe, climate hawks may make trip to Paris**

Five senators are considering trips to December's United Nation climate talks in Paris, including opponent Sen. James Inhofe, R-Okla., and climate hawks like

Sens. Brian Schatz, D-Hawaii, Ed Markey, D-Mass., Ben Cardin, D-Md., and Sheldon Whitehouse, D-R.I., Bloomberg BNA reports.

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### **Clinton joins push for Exxon climate probe**

Former Secretary of State Hillary Clinton, the Democratic presidential front runner, has joined the chorus calling for a federal investigation into allegations that Exxon Mobil sought to conceal its research on climate change, The Hill reports.

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### **Audit finds issues with Montana train oversight, as oil keeps flowing**

A report from the Montana Legislative Audit Division found that the state's railroad regulators lack a comprehensive safety plan to respond to derailments, a finding that comes as crude-filled trains move through the state at greater frequency, The Associated Press reports.

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### **Crude prices slip on soft growth, continued glut**

Crude prices retreated Friday morning from earlier gains as investors remained concerned about soft third-quarter growth in the U.S. and a continued oversupply, MarketWatch reports. U.S. crude fell 27 cents to \$45.77 per barrel while Brent crude slid 22 cents to \$45.58 a barrel.

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### **Obama's lawyers bullish on carbon rule defense**

The Justice Department lawyers tasked with defending the Environmental Protection Agency's Clean Power Plan in court say the agency is in "good shape" as it prepares to combat lawsuits from states and industry groups, E&E reports.

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### **China considering cut to solar, wind electricity price**

A government official told Reuters that China is considering cutting the price grid operators pay for wind and solar-generated electricity to reflect declining operating costs for the power sources.

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## Upcoming Events

- Oct. 30, Washington: The Cato Institute to hold a forum to discuss the upcoming United Nations-backed climate talks in December, featuring remarks from policy experts, climate scientists and legal experts. 10:30 am , 1000 Massachusetts Ave,, NW.



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